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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES  
LITIGATION

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Case No. CV 09-5473-RS (JSC)  
(Consolidated)

**CLASS ACTION**

**STIPULATION AND [PROPOSED]  
ORDER REGARDING BRIEFING  
SCHEDULE FOR DEFENDANTS'  
MOTION FOR PARTIAL JUDGMENT  
ON THE PLEADINGS AND REQUEST  
FOR JUDICIAL NOTICE**

1 WHEREAS, on September 14, 2012, Defendants filed a Motion for Partial Judgment  
2 on the Pleadings (the "Motion") (Docket No. 217) pursuant to Fed. R. Civ. P. 12(c) and  
3 Request for Judicial Notice in Support of Defendants' Motion (Docket No. 218);

4 WHEREAS, pursuant to Civil Local Rules 7-3(a) and (c), Plaintiffs' opposition brief is  
5 currently due September 28, 2012, and Defendants' reply brief is due October 5, 2012;

6 WHEREAS, the deadline for Plaintiffs' upcoming Motion for Class Certification also  
7 falls on September 28, 2012;

8 WHEREAS, Defendants' Motion challenges 32 separate statements alleged in the First  
9 Amended Consolidated Class Action Complaint for Violations of the Federal Securities Laws  
10 (Docket No. 153) and includes numerous exhibits, charts and attachments (*see* Declaration of  
11 Erik D. Peterson in Support of the Stipulation and [Proposed] Order Regarding Briefing  
12 Schedule for Defendants' Motion for Partial Judgment on the Pleadings and Request for  
13 Judicial Notice);

14 WHEREAS, Plaintiffs believe additional time is appropriate to fully address the issues  
15 raised in the Motion and Defendants do not oppose;

16 WHEREAS, Plaintiffs believe that additional time will allow the parties to meet and  
17 confer in good faith to attempt to narrow the statements and issues in dispute and thus conserve  
18 both judicial and party resources;

19 IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil Local Rule 7-12,  
20 among the undersigned parties as follows:

- 21 (1) Plaintiffs shall file briefs in opposition to the Motion and Request for Judicial  
22 Notice by October 19, 2012;
- 23 (2) Defendants shall file any reply briefs on or before November 9, 2012; and
- 24 (3) The Motion and Request for Judicial Notice shall be heard on November 29, 2012 at  
25 1:30 p.m., or at such time thereafter that is convenient to the Court, in Courtroom 3,  
26 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco,  
27 California.

1 Dated: September 21, 2012

Respectfully submitted,

2 KESSLER TOPAZ MELTZER  
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4 /s/ Eli R. Greenstein  
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Arriola and Emmanuel T. Hernandez*

**ATTESTATION UNDER CIVIL LOCAL RULE 5-1(i)**

I, Eli R. Greenstein, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Scheduling Order. In compliance with Civil Local Rule 5-1(i), I attest that Benjamin Galdston, Laurence King and Judson Lobdell have concurred in this filing.

Dated: September 21, 2012

/s/ Eli R. Greenstein

ELI R. GREENSTEIN

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2012

\_\_\_\_\_  
HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 21, 2012.

/s/ Eli R. Greenstein  
ELI R. GREENSTEIN

## Mailing Information for a Case 3:09-cv-05473-RS

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## Manual Notice List

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